CRIMES COMPENSATION BOARD

Annual Report

March 31, 1989

FOR THE PERIOD APRIL 1, 1988 TO MARCH 31, 1989

Alberta
ATTORNEY GENERAL

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The Crimes Compensation Board Summary

ANNUAL REPORT

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Alberta
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THE BOARD

BORIS A. NAHORNICK, M.D. - CHAIRMAN

TERENCE J. NUGENT - VICE-CHAIRMAN

ELVA ROWLAND - MEMBER

90-06350/1

Alberta

THE CRIMES COMPENSATION BOARD

December 1, 1989

The Honourable Ken Rostad, Q.C.
Attorney General of Alberta
Legislature Building
Edmonton, Alberta

Dear Sir:

I submit herewith the Annual Report of the Crimes Compensation Board for the period April 1, 1988 to March 31, 1989.

Respectfully submitted,

B. A. Nahornick

B.A. Nahornick, M.D.
Chairman

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INTRODUCTION

The Criminal Injuries Compensation Act was enacted in 1969 to provide assistance to victims of violent crime who suffer financial loss as a direct result of injuries or death.

The Crimes Compensation Board, established under The Criminal Injuries Compensation Act, consists of three members appointed by the Lieutenant-Governor-in-Council, one of whom must be a barrister and solicitor. The present members of the Board are: Dr. B.A. Nahornick, chairman; T.J. Nugent, vice-chairman and Elva Rowland, member.

The Board is directed to hold hearings in the presence of the victim to review claims. Although proceedings are informal, any false statement made to the Board is punishable by a fine not exceeding $500. Evidence is obtained from reports by police, hospitals, doctors, dentists, employers and income tax returns in addition to statements from the applicant and witnesses, if required.

The Board may make orders for compensation when injury or death is a direct result of an act or omission of another person that occurred in Alberta and is within the description of any of the criminal offences set out in Schedule 1 of the Act, or to a person who attempts to make an arrest or prevents or attempts to prevent the commission of a criminal offence or assists a peace officer in so doing.

The Board may compensate for damages to or loss of property consisting of clothing or eyeglasses worn at the time of offence. By an amending Act in force after May 4, 1982, the Board may compensate up to $10,000 for loss of or damage to property caused while a peace officer is endeavouring to prevent a criminal offence or arrest an offender for the commission of a criminal offence set out in Schedule 1 of the Act.

Claims may be considered by the Board if the crimes and injury occurred in Alberta, the details have been reported to the police within a reasonable time, the claim is received by the Board within one year of the injury or death, and the loss for which the claim is made exceeds $100.

An applicant must consent to a medical examination if required by the Board and allow the Board to conduct inquiries to verify any statements made.

The Board cannot compensate for injuries caused by motor vehicles except where a spouse is killed as a result of criminal negligence on the part of the operator or because the operator was driving while impaired.

Generally the Board's jurisdiction is limited to awarding compensation for pecuniary loss suffered by the victim, such as loss of wages or loss of support by a dependant of the victim, and expenses incurred by the victim or others on his or her behalf.

Compensation as damages for physical disability, disfigurement or pain and suffering can only be awarded if the victim was arresting a person or preventing that person from committing a criminal offence. In most cases police officers are the recipients of such awards.

APPLICATIONS AND DECISIONS

The number of applications declined slightly during the last year, from 298 to 281 (188 male applicants, 93 female). Residents of other provinces accounted for 25 claims. Of the 281 applications, 244 were for personal injury, and 37 for death benefits.

The number of decisions made and recorded by the Board was 497. Payments based on these decisions totalled $1,115,968.00. Loss of earnings accounted for more than 55 per cent of this total.

As medical and hospital expenses of most victims were covered by provincial health plans, medical expenses paid by the Board were mainly for dental work and ambulance service.

The violent crimes most frequently giving rise to applications were:

Assault Causing Bodily Harm
Robbery
Murder
Sexual Assault
Attempted Murder
Assaulting a Police Officer

REFUSED AWARDS

Eighty-eight applicants were refused awards. Examples of refused awards are outlined below:

Decision #3525-88
Application No. 240-10

This was an application by a male, age 31, for compensation for injuries sustained February 28, 1987. The police evidence indicated the applicant was the aggressor, that he had chased the assailant and had his hands on his throat choking him. The assailant then stabbed the applicant four or five times with a knife. At trial the judge found that the stabbing had been a case of self-defence. The application was dismissed, and no award was made.

Decision #3777-89
Application No. 031-11

This was an application by a male, age 35, for compensation for injuries sustained June 4, 1987. The applicant was attacked from behind and was kicked in the head and chest. The police requested the applicant, on numerous occasions, to fill out a witness statement form, however, the applicant failed to do so. The applicant was requested by the Board to provide copies of income tax forms, however, he failed to do this. As the applicant failed to co-operate with the police, and did not provide the Board with any proof of loss, the Board dismissed the application.

Decision #3631-88
Application No. 257-10

This was an application by a male, age 54, for compensation for injuries sustained by him on May 30, 1987. The applicant was playing pool with a friend. A wager had been placed unbeknownst to him, and he apparently owed the offender $6. While discussing the matter in the washroom with the offender, the applicant was assaulted. He suffered a broken jaw and may require further surgery in the future. The applicant had not worked since 1977, was on social assistance for most of 1987 and 1988, and could show no loss of income. As the claim was under the $100 minimum, the claim was dismissed. The applicant was awarded $30 for his expenses in attending the hearing.

MONTHLY AWARDS

The Board feels confident that its power to make awards on a monthly basis is a valuable remedy. Awards of this type provide monthly payments to a victim suffering a continuing disability or, in the case of a claim for death benefits, to the dependants of a victim.

There are many instances in which payment of a lump sum to a victim would be inappropriate, particularly in times of inflation. A monthly payment involves an annual review by the Board, when amendments can be made as circumstances change.

At present, 70 victims are receiving monthly payments, ranging from $50 to $2,600 depending on the former earning capacity of the victim. Following are examples of monthly awards made this year.

Decision #1555j-89
Application No. 077-4

Applicant, male, age 45, was shot in the chest in Red Deer on July 14, 1981. The bullet penetrated the victim's chest and fractured the T-3 vertabra of the spine and severed the spinal chord, thus causing complete paraplegia below that point. An interim award of $8,905 was made to the applicant, with $245 for medical and legal fees in February, 1982. In July 1982, a further award of $2,100 was awarded the applicant, $747 medical and legal fees and a monthly award of $2,300. In June 1984, the Board continued the $2,300 per month and paid a counsel fee of $150. In February 1985, the Board ordered the continuation of the $2,300 per month and $70 for expenses to attend the hearing. In February 1986, the Board increased the monthly amount to $2,600 effective March 1986 and paid a counsel fee of $150. In July 1987, the Board paid $295.50 for dental work. In December 1987, the Board paid a further $790 for dental work. In March 1988, the Board continued the $2,600 per month and paid $150 counsel fee. In March 1989, the Board continued the payment of $2,600 per month, the matter to be reviewed in 12 months.
Total paid to date: $213,502.50.

Decision #3358-89
Application No. 051-10-8

Applicant, male, age 55, was injured on February 5, 1985. The applicant was assaulted and injured in a bar, resulting in the loss of his left eye. The victim's claim was under the minimum claim of $100 and was dismissed by decision dated September 20, 1987. At a further hearing held in February 1988, the victim, who had been unemployed at the time of the injury, showed the Board proof of previous employment, and the Board felt that he was entitled to be treated as employed part-time. The Board awarded loss of wages in the sum of $8,076 from May 1985 to April 1988, and as the loss of one eye is equivalent to an 18 per cent loss of use of the body, the Board awarded the sum of $126 per month, plus a counsel fee of $150. In February 1989, the Board ordered that the montly payments of $126 continue until further order.
Total paid to date: $9,864.

Decision #3372-88
Application No. 008-10

Applicant, male, claims dependency for his two children as a result of the death of his wife. The applicant and the deceased were separated at the time of her death and the children are now in the custody of the applicant. The Board awarded $400 per month as of September 1987 to the applicant. In August 1988, the Board ordered that the monthly payments of $400 continue until further notice.
Total paid to date: $7,600.

INTERIM AWARDS

An interim award is a lump sum payment made when no permanent disability is expected from injuries sustained, but is usually serious enough to warrant a reassessment of the applicant's condition at a later date. In the last fiscal year, 26 interim awards were granted by the Board. Following are examples:

Decision #3148-887
Application No. 093-9

Victim, male, age 24, was injured on August 20, 1985. The victim was assaulted by two males, one of which was convicted and sentenced for assault. The victim was employed as an oilfield worker at the time of the injury. The victim suffered abrasions to his left forehead, back, left arm and flank. In October 1986, the Board awarded the following: loss of earnings, $4,326; travel for treatment, $50. In May 1987, the Board awarded for loss of earnings, $1,134; physiotherapy $90. In August 1987, the Board awarded $1,418 for loss of wages, $70 for drugs and $130 for travel expenses. In December 1987, the Board awarded $1,620 for loss of wages. In July 1988, the Board awarded $2,148 for loss of wages. In December 1988, the Board made a further award for loss of wages in the sum of $200 per month and $76.25 for a back support, the matter to be reviewed in six months.
Total paid to date: $11,662.95.

Decision #3640-888
Application No. 009-11

Victim, male, age 27, was injured on December 23, 1987. The victim was at a house party when there was a knock on the door. His friend answered the door, the victim heard a sound like a cap gun, and his friend fell to the floor. The applicant tried to subdue the offender and was shot in his left thigh, resulting in a left foot drop and paresthesia of the left lower limb distal to the knee. In July 1988, the Board awarded the following: loss of wages, $5,991 from December 1987 to April 23, 1988; loss of clothing, $90; splint $49; and pain and suffering $3,500, as he was attempting to arrest the offender when he was injured. In November 1988, the Board awarded a further loss of wages of $6,840 to September 12, 1988, when the victim started attending school for upgrading. In February 1989, the Board awarded $5,814 for loss of wages, the matter to be reviewed in six months.
Total award: $22,284.

Decision #3628c-89
Application No. 266-10

Victim, female, age 32, was injured on November 22, 1987. The victim was assaulted by another female in the laundry room of their apartment block. She sustained severe contusions to the neck, face, shoulders and thighs. In August 1988, the Board awarded the following: loss of earnings, $2,210.64; acupuncture treatments, $330; medications, $50. In November 1988, the Board awarded for loss of earnings, $1,441.44; acupuncture treatments, $175; cost of two medical reports to the insurance company to confirm her inability to continue work, $60. In April 1989, the Board awarded for loss of earnings, $2,026.20; acupuncture treatments, $525. In October 1989, the Board awarded for loss of earnings $3,512; the matter to be reviewed in six months.
Total paid to date: $10,330.28

FINAL AWARDS

A final award is a one-time payment to cover a victim's loss of earnings and expenses resulting from a crime where the applicant is able to return to work with no decrease in earnings. There were 227 final payments awarded in the last fiscal year. Following are examples:

Decision #3562-10
Application No. 236-10

Victim, male, age 47, was injured on December 19, 1987. The victim was in a bar when another male came in and "mooned" two women. The victim objected, and a fight ensued. The victim suffered a black eye and a laceration to the lip requiring five stitches - his dentures were also broken. The Board found that he was injured in circumstances entitling him to compensation. The Board awarded the following: loss of unemployment benefits, $1,124; dentures, $400; drugs, $7.91; ambulance, $127.54; $154 loss of wages to attend hearing; $150 travel expenses to attend hearing.
Total award: $1,963.45.

Decision #3625-88
Application No. 008-11

Victim, female, age 22, was injured on May 6, 1987. The victim was walking home from a 7-11 store when she was assaulted by a young female. The victim incurred damage to three teeth and could not finish her spring course at school. The Board awarded the following dental, $177.06; contact lens $50; drugs, $3; cost of school course, $121.
Total award: $351.06.

Decision #3560-88
Application No. 277-10

Victim, male, age 19, was injured on December 4, 1987 at Camrose. The victim was in his truck and was struck across the face and head with a tire iron. The injury caused loss of vision in the left eye and caused him to lose eight weeks work. The Board awarded the following: loss of wages $3,893.04; $50 for his expenses attending the hearing.
Total award: $3,943.04.

SUPPLEMENTAL AWARDS

A supplemental award is a one-time payment made to a victim to cover additional expenses, usually medical, which may have been incurred after the initial award. The Board granted 86 supplemental awards to applicants in the last fiscal year. Following are examples:

Decision #3667-88
Application No. 054-11

Victim, male, age 34, was injured on March 8, 1988. The victim was assaulted at an LRT station while waiting for his wife to pick him up. The victim suffered multiple lacerations, abrasions to his face and damage to his teeth. The victim's claim was limited to loss of glasses in the sum of $232, which was awarded, and future dental work. In November 1988, the Board made a supplemental award of $797.14 for dental work.
Total award to date: $1,029.14.

Decision #3600-88
Application No. 015-11

Victim, male, age 28, was injured on February 29, 1988. The victim, an apartment manager, had trouble with some tenants the day prior to the incident. The victim had hit the offender during an altercation the day before. The offender returned the following day with friends, broke into the victim's home and assaulted him. The victim suffered a broken nose and damage to his teeth. The victim incurred the following expenses which were awarded: clothing, $105; dental, $20. In September 1988, the Board awarded further dental work in the sum of $706.27.
Total award to date: $831.27.

Decision #737kk-89
Application No. 34-77

Victim, female, age 37, was injured on September 30, 1976. The victim was shot in the face and head. She suffered severe wounds and the loss of her sight. In August 1977, the Board awarded $4,133.81 for hospital, medical, travel and housekeeping expenses; and $200 for ambulance service. In August 1978, the Board awarded $700.72 for telephone calls, medical expenses, glasses, hotel, homemaker expenses and travel expenses; and $117.50 for home nursing visits. In August 1980, the Board awarded $205 for ambulance service and travel expenses; $500 for a custom-made prosthesis; and $209.32 for a Braille writing machine. In May 1985, the Board awarded $397.02 for use of a handicap bus for one year and medication. The Board made a number of supplemental awards for home care and assistance of $18,398.94. Further home care was awarded to the victim of $687.50, when she moved to another town.
Total award to date: $25,549.81.

PAIN AND SUFFERING

The ability of the Board to award compensation for what is termed pain and suffering is limited, both by circumstances and amount. Compensation for disfigurement and pain and suffering caused by the injury can only be awarded if the injury occurred while the victim was preventing a crime, making an arrest or assisting a peace officer to do so. The maximum award is $10,000. The total paid last year was $51,350, compared to $37,750 the previous year. The scale of these awards is well below that of comparable awards in the civil courts due to the restrictions expressed in the Act. The majority of these awards are made to police officers who have been injured when they are arresting or pursuing offenders.

Following are examples of pain and suffering payments made in this fiscal year.

Decision #3528-88
Application No. 193-10

Victim, male, age 23, was injured on September 23, 1987. The applicant, a security guard for a department store, observed a man putting on a pair of sweat pants over his own. The applicant went after the man to apprehend him, and when he got close to the offender, he was punched in the nose causing a fracture. The board awarded $750 for pain and suffering.
Total award: $750.

Decision #3395-87
Application No. 088-10

Victim, male, age 31, police officer, was injured on October 27, 1987. The victim and his partner were called to a domestic dispute. The assailant, who was drunk, started wrecking the home, and it took the victim and his partner approximately 15 minutes to subdue the man, during which the victim re-injured his shoulder and had to have corrective surgery. The Board awarded $1,000 for pain and suffering.
Total award: $1,000.

Decision #3597-88
Application No. 019-11

Victim, female, age 31, was injured October 17, 1987. The victim, a police officer, responded to a complaint regarding a mentally disturbed woman attacking a man. The woman resisted the efforts of the police officer to restrain her, and the officers were pushed off the front steps, some 15 feet down to the lawn below. The victim fell onto her back, hitting her neck on a shovel. She suffered soft tissue injuries to her neck and back with muscle spasms. She required physiotherapy for months. The Board awarded her $1,500 for pain and suffering.
Total award: $1,500.

PUBLIC AWARENESS

The Board believes that knowledge of the existence and mandate of the Crimes Compensation Board is increasing across the province, although the process is far from complete. One indication of this is the increase in the number of applications filed within a few days of the event.

An information brochure outlining the work of the Board and the relief it can provide has been distributed to police forces, schools, hospitals and interested groups in the province.

The Board also wishes to acknowledge and thank the law officers of the Crown for their assistance and is mindful of the conscientious and capable manner in which the Board's staff carry out their responsibilities.

Victim Services units are located throughout the province to assist victims. This includes assistance in completing applications under the Act.

DECISIONS

The total number of decisions made by the Board in the past fiscal year was 497 divided as follows:

Monthly Awards	70	Supplemental Awards	86	Interim Awards	26
Final Awards	227	Applications Refused	88		

FUNDING

Awards made under the Criminal Injuries Compensation Act are cost shared between the Federal Government and the Government of Alberta. The contribution by the Federal Government amounts to 50 per cent of the awards or a maximum of 25 cents per capita of the population of Alberta, whichever is the lesser. The Federal Government does not share administration costs.

PAYMENTS

Payments made during this past year based on the above decisions were

Monthly Awards — payments	495,875.00	
— disbursements	80,464.00	
Sub-total		$576,339.00
Interim Awards		114,167.00
Final Awards		377,000.00
Supplemental Awards		48,462.00
Total		$1,115,968.00

A breakdown of the awards is as follows:

Loss of Earnings	$651,767.00
Medical Expenses	87,251.00
Pecuniary Loss to Dependants of Victims	193,276.00
Pain and Suffering	51,350.00
Funeral Expenses	70,539.00
Other Pecuniary Loss	54,394.00
Counsel and Legal Fees	7,392.00
	$1,115,968.00

FEES

Fees paid to Board members totalled $84,165.00. Their disbursements totalled $19,072.00, bringing the total paid to the Board to $103,237.00. The Board held hearings on 40 days; 22 in Edmonton and 18 in Calgary.

TYPES OF CRIMES

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Of applications which had a first hearing during the 1988-89 period, the following were noted:

Assault on a Peace Officer	15	Indecent Assault on a Female	4
Assault Causing Bodily Harm	173	Impaired Driving	1
Attempted Murder	17	Manslaughter	3
Careless Use of a Firearm	4	Murder	22
Causing Bodily Harm by Criminal Negligence	3	Robbery With Violence	30
Common Assault	2	Sexual Assault	19

RESIDENCE OF APPLICANTS

RESIDENCE OF APPLICANTS

ALBERTA

Acme 1
Airdrie 1
Atikameg 1
Barrhead 1
Beaverlodge 2
Bonnyville 1
Canmore 2
Cowley 1
Calgary 101
Drumheller 1
Edmonton 81
Edson 2
Fairview 1
Fort McMurray . . . 5
Fort Saskatchewan 1
Fort Vermilion . . . 1
Gainford 1
Grande Prairie . . . 4
Grimshaw 1
High Level 1
High Prairie 1
Hinton 4
Kingman 1
Lac La Biche 1
Leduc 3
Lethbridge 4
Lloydminster 1
Medicine Hat 7
Millwoods 1
Morinville 1
Morley 1
Niton Junction . . . 1
Ponoka 1
Red Deer 7
Sangudo 1
Sherwood Park . . . 1
Slave Lake 2
St. Albert 1
Strathmore 1
Sundre 1
Swan Hills 1
Sylvan Lake 1
Vermilion 1
Wetaskiwin 1
Whitecourt 1

OTHER PROVINCES

B.C.

150 Mile House . . . 1
Kelowna 1
Nakusp 1
Nanaimo 1
New Westminster . 2
North Burnaby . . . 1
Prince George . . . 1
Richmond 1
Surrey 1
Trail 1
Vancouver 3
Victoria 3

MANITOBA

Winnipeg 2

ONTARIO

Don Mills 1
Waterloo 1
Thunder Bay 1
Willowdale 1

SASKATCHEWAN

Regina 1
Whitewood 1

STATISTICAL SUMMARIES OF AWARDS
1969 - 1989

Year	Loss of Earnings	Medical Expenses	Pecuniary Loss to Dependants	Pain and Suffering	Funeral Expenses	Other Pecuniary Loss	Counsel & Legal Fees	TOTALS
1988-89	$651,767	$ 87,251	$193,276	$51,350	$70,538	$54,394	$7,392	$1,115,968
1987-88	561,329	114,850	136,870	37,750	77,975	80,393	9,225	1,018,392
1986-87	646,922	96,515	109,068	49,950	46,701	66,638	7,297	1,019,097
1985-86	457,237	103,443	102,131	37,362	41,663	46,162	5,796	793,794
1984-85	583,529	145,644	78,390	35,500	51,050	48,894	9,720	952,727
1983-84	563,212	123,695	79,310	49,350	74,568	65,272	8,679	964,086
1982-83	425,858	101,021	32,830	45,700	53,788	55,673	9,681	724,551
1981-82	297,800	45,991	51,805	37,950	23,674	26,746	5,651	489,617
1980-81	302,328	39,637	45,789	24,150	24,577	31,302	7,025	474,808
1979-80	365,081	45,175	41,582	21,450	42,034	27,512	7,730	550,564
1978-79	301,217	32,621	30,577	17,036	43,695	27,123	8,580	460,849
1977	267,759	31,355	36,370	26,200	21,298	20,665	8,012	411,659
1976	219,314	23,379	32,320	35,200	5,744	45,106	10,268	371,331
1975	162,881	11,229	41,390	3,500	1,114	9,451	5,710	235,275
1974	131,967	10,336	17,127	8,000	1,248	9,081	4,540	182,299
1973	72,753	8,690	9,841	8,750		5,973	2,214	108,221
1972	83,941	8,212	19,697	11,570	3,374	3,761	2,514	133,069
1971	47,178	6,810	8,350	3,610	561	2,677	2,292	71,478
1969-70	39,692	5,105	521	5,250	741	10,596	2,589	64,493

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